

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Robert T. Stone and Bret A. Herscher**FOR: AUDIOMETRIC DEVICE AND
ASSOCIATED SCREENING
METHOD**

SERIAL NO. to be assigned

FILED: to be assigned

ART UNIT NO: to be assigned

EXAMINER: to be assigned

Attorney Docket No: PCL-02-002U

I hereby certify that this paper is being

deposited with the United States Postal

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addressed to the Commissioner of Patents

and Trademarks, Washington, D.C. 20231 on:

2-13-01

Date

RANDY FRANKS

Printed name of person mailing paper

[Signature]

Signature of person mailing paper

**COMBINED DECLARATION AND
POWER OF ATTORNEY**Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

As below named inventors, we hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

- ☒ original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT
- ☐ divisional

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- ___ continuation
___ continuation-in-part

INVENTORSHIP IDENTIFICATION

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**AUDIOMETRIC DEVICE AND
ASSOCIATED SCREENING METHOD****SPECIFICATION IDENTIFICATION**

the specification of which:

- (a) **XXX** is attached hereto.
- (b) ___ was filed on _____
Application Serial No. _____
and was amended on _____
- (c) ___ was described and claimed in PCT International Application No. _____
_____ filed on _____ and
as amended under PCT Article 19 on _____.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS
AND DUTY OF CANDOR**

We hereby state that we have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information

XXX which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a).

XXX and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

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— In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR §1.98.

PRIORITY CLAIM (35 U.S.C. §119)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below ~~and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.~~

- (d) **XXX** no such applications have been filed.
- (e) such applications have been filed as follows.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
Not Applicable			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Not Applicable

ATTORNEY DOCKET NO.: PCL-02-002U

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER
35 U.S.C. §120**

We hereby claim the benefit under Title 35, United States Code, §120 of any United States applications or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I/we acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120:**

<u>U.S. APPLICATIONS</u>	<u>U.S. FILING DATE</u>	<u>STATUS (Patented/Pending/Abandoned)</u>
S/N 60/182,291	14 February 2000	Pending

**35 USC §119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED
U.S./PCT APPLICATIONS**

Above Application No.	Details of Foreign Application From Which Priority Claimed Under 35 USC §119
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Not Applicable**POWER OF ATTORNEY**

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

RALPH C. FRANCIS
FRANCIS LAW GROUP
1946 Embarcadero
Oakland, CA 94606
Reg. No. 38,884

Tel No.: (510) 261-4800

ATTORNEY DOCKET NO.: PCL-02-002U

Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representatives

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

RALPH C. FRANCIS
FRANCIS LAW GROUP
1946 Embarcadero
Oakland, California 94606
Reg. No. 38,884

RALPH C. FRANCIS
(510) 261-4800

DECLARATION

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURESFull name of inventor: **ROBERT T. STONE**Inventor's signature Robert T. StoneDate: 2/12/01 Country of Citizenship: United States of AmericaResidence: 869 Cumberland Drive, Sunnyvale, CA 94087

Post Office Address: _____

Full name of inventor: **BRET A. HERSCHER**Inventor's signature Bret A. HerscherDate: 2/12/01 Country of Citizenship: United States of AmericaResidence: 1029 Ainsworth Drive, Cupertino, CA 95014

Post Office Address: _____

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Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.

Number of pages added ____

* * *

Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47.

Number of pages added ____

* * *

Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.

Number of pages added ____

* * *

Authorization of attorney(s) to accept and follow instructions from representative.

* * *

X This Declaration ends with this page.

Atty. Docket No: PCL-02-002U

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

ROBERT T. STONE and
BRET A. HERSCHERFOR: AUDIOMETRIC DEVICE AND
ASSOCIATED SCREENING
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STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27 (c)) – SMALL BUSINESS CONCERN

I hereby state that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern
identified below:

Name of Small Business Concern: **Kinderlife Instruments, Inc.**Address of Small Business Concern : **1320 Villa Street, Mountain View, CA 94041**

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of title 35, United States code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each or the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

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I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

- ☒ the specification filed herewith, with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each such person, concern or organization having any rights in the invention is listed below:

- ☒ No such person, concern or organization exists.
☐ Each such person, concern or organization is listed below.

Name _____
 Address _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name _____
 Address _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on Oct. 10, 1997, 62 Fed. Reg. 52,131, effective Dec. 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 CFR § 1.4(d)(2).

* Note: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)

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[x] I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Robert T. Stone

Title of Person if Other Than Owner: Chief Technology Officer

Address of Person Signing: 1320 Villa Street, Mountain View, California 94041

Signature Robert T. Stone

Date 2/12/01

Att. Docket No: PCL-02-002U

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ROBERT T. STONE and)
BRET A. HERSCHER)
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FOR: AUDIOMETRIC DEVICE AND)
ASSOCIATED SCREENING)
METHOD)
)
SERIAL NO.: to be assigned)
)
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)
EXAMINER: to be assigned)
)
Attorney Docket No: PCL-02-002U)

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR § 1.9(f) and §1.27(b)) – INDIVIDUAL**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR §1.9(c) for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, to the U.S. Patent and Trademark Office with regard to the invention entitled:

AUDIOMETRIC DEVICE AND ASSOCIATED SCREENING METHOD

described in

- ☒ the application filed herewith.
☐ application serial no. , filed

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9 (d) or a nonprofit organization under 37 CFR §1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the

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PATENT

invention is listed below:

- ☐ no such person, concern, or organization
☒ persons, concerns or organizations listed below*

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR § 1.27)

1. FULL NAME: Robert T. Stone
ADDRESS: 869 Cumberland Drive, Sunnyvale, CA 94087

☒ Individual ☐ Small Business Concern ☐ Nonprofit Organization

2. FULL NAME: Bret A. Herscher
ADDRESS: 1029 Ainsworth Drive, Cupertino, CA 95014

☒ Individual ☐ Small Business Concern ☐ Nonprofit Organization

3. FULL NAME: Kinderlife Instruments, Inc.
ADDRESS: 1320 Villa Street, Mountain View, CA. 94041

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate.
(37 CFR §1.28(b)).

I hereby declare that all statements made are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

SIGNATURE OF INVENTOR(S):


SIGNATURE


Robert T. Stone

DATE

2/12/01

SIGNATURE


Bret A. Herscher

DATE

2/12/01